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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,814	03/30/2001	Miklos Csore	4175	6646

7590 06/16/2004

THE REILLY INTELLECTUAL PROPERTY LAW FIRM, P.C.
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EXAMINER	
MAHATAN, CHANNING	

ART UNIT	PAPER NUMBER
1631	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,814	CSORE ET AL.	
	Examiner	Art Unit	
	Channing S Mahatan	1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-26 and 28-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-26 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1 Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

APPLICANTS' ARGUMENTS

Applicants' arguments, filed 24 February 2004, have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

CLAIMS UNDER EXAMINATION

Claims herein under examination are claims 1-8, 10-26, and 28-30.

CONSIDERATION OF AFFIDAVIT

The affidavit under 37 CFR 1.132 filed 24 February 2004 is insufficient to overcome the rejection of claims 1-8, 10-26, and 28-30 under 35 U.S.C. § 102(a) as set forth below.

It is acknowledged the submitted affidavit states:

> "...said references are publications of our invention claimed in said Complete Application and were published on our behalf by said assignee, Global Med Technologies, Inc. d/b/a Wyndgate Technologies..."

However, it is unclear the authorship or inventorship in the provided references are, wherein none is stated throughout the entirety of submitted 1004 pages. Applicants' are directed to M.P.E.P. Section 716.10 which states:

> "...it is incumbent upon the inventors named in the application, in response to an inquiry regarding the appropriate inventorship under 35 U.S.C. § 102(f) or to rebut a rejection under 35 U.S.C. § 102(a) or (e), to provide a satisfactory showing by way of affidavit under 37 C.F.R. § 1.132 that the inventorship of the application is correct in that the

> reference discloses subject matter derived from the applicant rather than invented by the author, patentee, or applicant of the published application notwithstanding the authorship of the article or the inventorship of the patent or published application. In re Katz, 687 F.2d 450, 455, 215 U.S.P.Q. 14, 18 (CCPA 1982) (inquiry is appropriate to clarify any ambiguity created by an article regarding inventorship and it is then incumbent upon the applicant to provide "a satisfactory showing that would lead to a reasonable conclusion that [applicant] is the ... inventor" of the subject matter disclosed in the article and claimed in the application).

Thus, because of the ambiguity regarding inventorship the affidavit is insufficient.

Claims Rejected Under 35 U.S.C. § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

VAGUE AND INDEFINITE

Claims 1, 10-12, and all claims dependent therefrom are confusing wherein the step "determining the [presence of] antigens and antibodies…", "remote serological cross-matching…", and "determination [testing the] of compatibility…" appear to be redundant procedures. For example, if the "serological cross-matching…" step is performed then implicitly the antigens an antibodies must be determined within the step and the determination compatibility is what is being determined. It does not appear that such language further limits

the claims or if it is Applicants' intent that such steps are to be performed multiple times. Clarification of the metes and bounds, via clearer claim language, is requested.

Claims Rejected Under 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8, 10-26, and 28-30 are rejected under 35 U.S.C. § 102(a) as being anticipated by SafeTrace Tx v1.2.0.0 User's Guide (Wyndgate Technologies. November 1999, pages 1-199).

SafeTrace Tx™ is described as a computer software package that manages the information system needs of a transfusion services applicable in both centralized and standalone services. The transfusion system maintains a complete test and transfusion history for the patient and provides comprehensive tracking of blood products from receipt to final disposition and enables transfusion services to properly identify patients and specimens, process orders for blood products, tests, services, derivatives and accessories to help ensure safe release of products to patients. The computer software package is made up of multiple modules/steps for its operation and particular ones are addressed below corresponding to the instant claimed invention. The receipt of blood and commercial products are added to the inventory and recorded through the delivery process module (pages 15-20 "Delivery"). The shipment module records the shipment of products and services to a location that is not a member of the same healthcare provider (SafeTrace Tx™ (pages 21-31 "Shipment"). Sending and receiving of blood components, patient specimens, derivatives and accessories between member locations, wherein these

resources are shared among transfusion service locations of same healthcare provider network (i.e. hospital) is performed through the tracking module (pages 33-47 "Tracking"). The component management module keeps records of and inventory reports of all blood components and allows for the modification and update of component information and inventory data (pages 61-77 "Component Management"). Blood segments for remote testing can be created, managed, and tracked with the additional functions for access to, recording of, and modification of the blood segment information (pages 79-83 "Segment Management"). The patient administration module functions to provide for the creation, update, and management of patient information (claims 4 and 5; pages 85-113 "Patient Administration"). The order management module allows for: 1) entering and maintaining of order information for patient; 2) providing electronic order receipt capabilities; and 3) monitoring patient related requirements, including special needs and services (claims 2, 7, and 21; pages 115-132 "Order Management"). Further, SafeTrace Tx™ processes results for a variety of procedures including routine patient testing (ABO/Rh, Antibody Screen, Direct Antiglobulin), compatibility testing, etc (page 147, lines 5-15). The system allows for the operation of electronic, remote and serological crossmatch procedures (page 147, lines 16-28). Thus, SafeTrace Tx v1.2.0.0 User's Guide anticipates the claimed invention.

No Claims Are Allowed.

ACTION IS FINAL, AS NECESSITATED BY AMENDMENT

Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

EXAMINER INFORMATION

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Channing S. Mahatan whose telephone number is (571) 272-0717. The Examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner, Tina M. Plunkett, whose telephone number is (571) 272-0549 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

Date: June 14, 2004

Examiner Initials: GSM

MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

6-14-04